

Sec. 29.08.050. Transition. (a) On September 10, 1972, the current classification of existing home rule cities and of first class cities having 400 or more permanent residents is not affected by this Act. Second and third class cities incorporated before September 10, 1972 and having 400 or more permanent residents are reclassified as first class cities. The city council shall certify by resolution the number of permanent residents within the city. Upon the failure to certify, the Local Boundary Commission shall hold a public hearing and make a determination as to classification as provided in (c) of this section.

(b) On September 10, 1972, fourth class cities incorporated before that date are reclassified as second class cities subject to reclassification under § 40 of this chapter.

(c) The Local Boundary Commission shall, within two years of September 10, 1972, hold a public hearing in each city which was first, second, or third class before that date and whose population is under 400 permanent residents. The commission shall determine in each case whether the city should be classified as first or second class under the new classification. The commission's decision must be published at least once. Unless objections are filed with the Local Boundary Commission by at least five per cent of the permanent residents of the city within 60 days, the classification recommended by the commission becomes effective on the 61st day. If objections are filed by at least five per cent of the permanent residents of the city, the commission shall submit its recommendation to the legislature in the manner provided for submission of boundary changes in § 12, art. X of the state constitution. (§ 2 ch 118 SLA 1972)

Cited in Arctic Slope Native Ass'n v.
Paul, Sup. Ct. Op. No. 2058 (File Nos.
3792, 3793, 3806), 609 P.2d 32 (1980).